

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Slatter, <i>et al.</i>) Confirmation No: 4921
) Group Art Unit: 2622
Serial No.: 10/078,742)
) Examiner: Ye, Lin
Filed: February 19, 2002)
) Atty. Docket No.: 30004064-2
For: WEARABLE TRANSMITTING/ RECEIVING DEVICE)

REPLY BRIEF RESPONSIVE TO EXAMINER'S ANSWER

Mail Stop: Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

The Examiner's Answer mailed May 4, 2007 has been carefully considered.
In response thereto, please consider the following remarks.

AUTHORIZATION TO DEBIT ACCOUNT

It is not believed that extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to deposit account no. 08-2025.

REMARKS

The Examiner has provided in the Examiner's Answer various responses to arguments contained in Applicant's Appeal Brief. Although the Examiner's Answer has added some additional remarks in response to Applicant's arguments, the substance of the rejections and the Examiner's positions have not changed. Accordingly, Applicant stands behind the arguments set forth in the Appeal Brief. In addition, Applicant addresses selected responses in the following.

With regard to claim 1, the Examiner's Answer states that "Fitch clearly discloses by using a slide fastener lock configuration 16 18, or by any other conventional attachment to secure the front (electronic devices as LCD, miniature, cameras, etc...) and the rear portion (microcontroller 22) in position on a wearer's clothing (See Fitch's Col. 3, lines 7-9 and Col. 5, lines 50-54). By using an electrically conducting connection pin to secure the front and the rear portion in position on a wearer's clothing is considered a conventional attachment." Pages 11-12 (Emphasis removed).

In response, Applicant notes that *Fitch* specifically discloses that the "color liquid crystal display protrudes from one aperture 14 in the jacket and is fastened by a slide fastener lock configuration 16 18, or by any other conventional attachment." Col. 3, lines 5-9. Therefore, *Fitch* describes that a conventional attachment may be used to fasten the liquid crystal display that is protruding through aperture 14 in the jacket. The fastener taught in *Lin*, however, is not used to fasten a device protruding from an aperture. Therefore, the proposed combination of *Fitch* and *Lin* would not produce the claimed subject matter.

With respect to claim 5, the Examiner's Answer states that "claim 5 is only required the front portion comprises an image capture means, and the front portion is external to the jacket." Page 14. In response, Applicant points out that claim 5 requires that the front portion is secured to the rear portion in position on a wearer's clothing. *Fitch*, however, discloses that a video camera 40 is an optional accessory and is described as not being in or part of the jacket, although the LCD is described as being part of the jacket. Col. 3, lines 45-48. Therefore, *Fitch* fails to disclose that the video camera 40 is part of a front portion which is secured to a rear portion in the manner claimed, since the video camera is not part of the jacket where the LCD is part of the jacket. Accordingly, the proposed combination of *Fitch* and *Lin* does not produce the claimed subject matter.

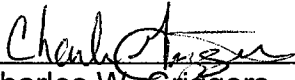
With regard to claim 3, the Examiner's Answer states that the upper portion of the pen-shaped device in *Kweon* is considered by the Examiner to be a front portion. Therefore, Applicant submits that the lower portion of the pen-shaped device should logically be construed as a bottom portion. However, under this construction, the pen-shaped device does not meet the limitations of claim 3. For example, *Kweon* fails to disclose a "securing means being configured when in use to be operable through a thickness of the wearer's clothing between the front and rear portion," under the Examiner's construct. Accordingly, the proposed combination of *Fitch*, *Lin*, and *Kweon* does not produce the claimed subject matter.

For the reasons presented herein and the reasons earlier presented in the Appeal Brief, the cited references are deficient in disclosing claimed features, and the arguments set forth in the Appeal Brief still stand. The rejection of the pending claims should be withdrawn.

Conclusion

In summary, it is Applicant's position that Applicant's claims are patentable over the applied cited art references and that the rejection of these claims should be withdrawn. Appellant therefore respectfully requests that the Board of Appeals overturn the Examiner's rejection and allow Applicant's pending claims.

Respectfully submitted,

By: 
Charles W. Griggers
Registration No. 47,283